

IN THE LITH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, WISSOUM

Caso Numbert 1211-AC07546

Judge of Divinion Krietik Ihan Swain	Case Numbert 1211-AC07546		
Plaintiff/Petitioner:	Plaintiff a/Positionor's Atto:x/ay/Address:		
BROC HUNNELL	RICHARD ANTHONY VOYTAS Jr.		
WAYNA INCLUIDED	1 NORTH TAXLOR AVE		
	SAINT LOUIS, MO 63108		
Vii.	(314) 932-1066		
Defendant/Respondent:	Date, Time and Location of Court Appearance:		
NATIONAL HEALTHCARE COLLECTIONS, LLC	04-DEC-2012, 09:00 AM V		
Nature of Suit:	TRANSFER JUDGE COURTROOM 300 N 2nd STREET		
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220 SALT LICK ROAD ST. DETERS, MO 62376			
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see Supreme Court Rule 34.	be served on each Defendant/Respondent. For motivods of sc	treicu on all plasses of sults.	

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IN THE CIRCUIT COURT ST. CHARLES COUNTY STATE OF MISSOURI ASSOCIATE DIVISION

BROC HUNNELL	
Plaintiff,))) Causa Na
v.) Cause No.
· ·) Division
NATIONAL HEALTHCARE COLLECTIONS, LLC))
Defendant.)))
Serve at:)
Dwayne A. Johnson, Reg. Agent	
220 Salt Lick Road St. Peters, MO 63376))
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PETITION

COMES NOW, Plaintiff, Broc Hunnell, and for his Petition states as follows:

INTRODUCTION

- 1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
 - 2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d).

PARTIES

- 4. Plaintiff is a natural person currently residing in St. Charles County, Missouri.

 Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.
 - 5. Specifically, Plaintiff believes the alleged debt arose from medical services.

- 6. Defendant ("NHC") is a Missouri limited liability company with its principal place of business in St. Peters, Missouri. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.
- 7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. § 1692a(6).
- 8. Defendant NHC has not registered "The Johnson Law Firm" or any similar name as a trade name or a d/b/a.
 - 9. Defendant NHC is not, and never has been, "The Johnson Law Firm, LLC."

FACTS

- 10. Defendant NHC's collection activity of which Plaintiff complains occurred within the past twelve (12) months.
- 11. The Johnson Law Firm LLC ("JLF") is a Missouri limited liability company with its principal place of business at 220 Salt Lick Road, St. Peters, MO 63376.
- 12. Vince L. Johnson ("VLJ") is a Missouri-licensed attorney residing and doing business in St. Charles County, Missouri.
- 13. Within the year prior to this Petition, Defendant NHC placed VLJ's signature and JLF's name on several pieces of collection correspondence sent to Plaintiff to make it appear as though VLJ was himself engaged in the attempt to collect the debt from the consumer.
- 14. During all times relevant, Defendant employed subterfuge to make it appear to Plaintiff like JLF, an actual law firm, and VLJ, a Missouri-licensed attorney, were the entities that were pursuing Plaintiff for the debt.
- 15. In reality, Defendant NHC was the only entity that was sending Plaintiff collection letters—even the letters that appeared to be from JLF / VLJ.
 - 16. Neither VLJ nor JLF was actually involved in the collection of the debt.

- 17. Specifically, VLJ did not review Plaintiff's file before NHC sent out the letter purporting to be from VLJ and JLF.
- 18. Furthermore, JLF was doing nothing to collect on the debt at the time NHC sent out the letter purporting to be from VLJ and JLF.
- 19. Plaintiff received letters from both "National Healthcare Collections, LLC" and "The Johnson Law Firm, LLC" the debt underlying this lawsuit.
- 20. Plaintiff was confused as to who was attempting to collect the alleged debt, who he was to speak with concerning the debt, and who he would pay if he wanted to pay off the alleged debt.
- 21. On or about September 24, 2012, Plaintiff called Defendant to obtain more information about the debt and Defendant's collection activities.
- 22. In the September 24 telephone conversation, Defendant identified itself as both Defendant NHC *and* JLF.
- 23. Also during the September 24 conversation, Defendant made false threats of litigation against Plaintiff on the alleged debt.
- 24. Defendant had no authority to or intention of taking legal action against Plaintiff for an approximately \$50 debt.
- 25. Plaintiff never entered into any agreement whereby he consented to arbitrate disputes between himself and Defendant.
- 26. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety, sleeplessness, and worry.

COUNT I: VIOLATION OF THE FDCPA

- 27. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.
- 28. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, *15 USC 1692 et. seq.*, including, but not limited to, the following:

- a. Falsely representing that its collection letters were from an attorney. 15 U.S.C. § 1692e.
- b. Threatening to take legal action it had no authority to take and which it did not intend to take. 15 U.S.C. § 1692e.
- c. Making it appear as though JLF / VLJ were involved in the collection of the debt when those entities were not so involved. 15 U.S.C. § 1692j.
- d. Employing unfair, unconscionable, misleading and deceptive tactics in attempting to collect the alleged debt, including but not limited to falsifying its identity, making it appear that JLF / VLJ was involved in collecting the debt, and stating that it was both NHC and JLF at the same time. 15 U.S.C. § 1692d-f.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

Fax:

EASON & VOYTAS, LLC

/s/ Richard A. Voytas, Jr.

JAMES W. EASON, #57112 RICK A. VOYTAS, #52046 EASON & VOYTAS, LLC 1 North Taylor Ave. St. Louis, Missouri 63108 Phone: (314) 932-1066 (314) 667-3161